

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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LUDALE RANDY JONES,  
Petitioner,

Case No. 1:99-CV-518

v.

Hon. Richard Alan Enslen

DAVID GUNDY, Warden,  
Respondent.

**ORDER**

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Petitioner Ludale Randy Jones, having been denied habeas relief, has moved for permission to appeal *in forma pauperis*. Both his financial affidavit and prison trust fund account statement attest that he currently lacks funds to pay filing fees and like expenses. The motion is in accordance with federal precedent allowing habeas petitioners to proceed *in forma pauperis* on appeal under the terms of 28 U.S.C. § 1915(a)(1). *See Kincade v. Sparkman*, 117 F.3d 949, 951-52 (6th Cir. 1997); *United States v. Simmonds*, 111 F.3d 737, 741-43 (10th Cir. 1997).

**THEREFORE, IT IS HEREBY ORDERED** that the Petitioner Ludale Randy Jones' Motion to Proceed *in Forma Pauperis* (Dkt. No. 61) is **GRANTED**.

DATED in Kalamazoo, MI:  
June 29, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE